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Attorneys for Defendant HITACHI HIGH TECHNOLOGIES  
AMERICA, INC., a Delaware Corporation

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

TA CHONG BANK LTD.,

Plaintiff,

v.

HITACHI HIGH TECHNOLOGIES  
AMERICA, INC., a Delaware Corporation; and  
DOES 1-10, inclusive,

Defendants.

Case No: C-08-02452-BZ

**DEFENDANT HITACHI HIGH  
TECHNOLOGIES AMERICA, INC.'S  
NOTICE OF MOTION AND MOTION  
TO DISMISS PLAINTIFF TA CHONG  
BANK, LTD.'S COMPLAINT  
PURSUANT TO FED. R. CIV. P. RULE  
12(b)(6)**

Judge: The Honorable Bernard Zimmerman  
Date: July 2, 2008  
Time: 10:00 a.m.  
Dept: Ctrm G, 15<sup>th</sup> Floor

1 TO ALL PARTIES AND THEIR ATTORNEY OF RECORD:

2 PLEASE TAKE NOTICE that on July 2, 2008 at 10:00 a.m. or soon thereafter as counsel  
3 may be heard by The Honorable Bernard Zimmerman of the above entitled Court, located at 450  
4 Golden Gate Avenue, San Francisco, California, Defendant Hitachi High Technologies America,  
5 Inc. ("Defendant" or "HTA") will move this court to dismiss the action pursuant to Fed. R. Civ.  
6 P. 12(b)(6) because Plaintiff Ta Chong Bank, Ltd.'s complaint fails to state a claim upon which  
7 relief can be granted.

8 This motion is based on this Notice of Motion and Motion, HTA's Request for Judicial  
9 Notice, all pleadings in the case, and such other arguments and evidence as may properly come  
10 before the Court.

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13 DATED: May 20, 2008

VASQUEZ BENISEK & LINDGREN LLP

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15 By: /s/  
16 RICHARD C. VASQUEZ  
17 Attorneys for Defendant HITACHI HIGH  
18 TECHNOLOGIES AMERICA, INC., a  
19 Delaware Corporation  
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